

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATHEW COLLETT,

Plaintiff,

v.

MASON COUNTY, et al.,

Defendants.

CASE NO. 3:23-CV-5654-TMC-DWC

ORDER ON MOTIONS TO  
COMPEL

Plaintiff Mathew Collett, proceeding *pro se* and *in forma pauperis*, initiated this civil rights action pursuant to 42 U.S.C. § 1983. *See* Dkt. 1. Currently before the Court are Plaintiff's Motion to Compel Discovery from Defendants Health Care Delivery Systems, Inc., Shannon Slack, and Nurse Bree (collectively "HDS Defendants"), Dkt. 149, and his Motion to Compel Discovery from Defendants Mason County, Kevin Hansen, Phil Harris,<sup>1</sup> Shane Schronberg, Randy Newell, and Paula Blush (collectively "County Defendants"), Dkt. 151.

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<sup>1</sup> The Court identifies Defendants "Kevin Hansen" and "Phil Harris" as their names are currently reflected on the docket. *See* docket. However, in Plaintiff's Motion to Compel Discovery, his discovery requests, and County Defendants' most recent motion for summary judgment, these individuals are identified as Kevin "Hanson" and "Joel Harris." Dkt. 151 at 14, 22; Dkt. 151-1 at 4, 12; Dkt. 165 at 1, 6. Thus, in the subsequent discussion of Plaintiff's Motion and his discovery requests, the Court refers to these individuals as Defendants "Hanson" and "Harris."

1 Upon review, Plaintiff's Motion to Compel Discovery from HDS Defendants (Dkt. 149)  
2 is denied for failure to meet and confer and his Motion to Compel Discovery from County  
3 Defendants (Dkt. 151) is granted in part and denied in part.

4 **I. Background**

5 A. Plaintiff's Allegations

6 Plaintiff initiated this action in July 2023 concerning the conditions of his pretrial  
7 detention at Mason County Jail ("MCJ"). Dkts. 1, 1-1. In his Second Amended Complaint, which  
8 is the operative pleading for this action, Plaintiff brings four claims for relief under 42 U.S.C. §  
9 1983, and the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§  
10 2000cc to 2000cc-5 ("RLUIPA"). Dkt. 60.

11 In Counts I and II, Plaintiff alleges MCJ's meal services place a substantial burden on his  
12 religious expression in violation of the First Amendment to the United States Constitution and  
13 RLUIPA. *Id.* at 6–10. Plaintiff alleges he is a member of the Muslim faith, which requires him to  
14 follow certain dietary restrictions including the omission of non-halal foods, such as pork, from  
15 his diet. *Id.* at 6–8. Plaintiff asserts that MCJ's meal services place a barrier on his ability to  
16 adhere to a halal diet in two ways. *Id.* at 6–10.

17 First, in Count I, Plaintiff alleges that MCJ inmates who adhere to halal diets are limited  
18 to a plant-based meal plan consisting primarily of rice and beans. *Id.* at 6–8. Plaintiff states that  
19 the plant-based diet causes him painful and disruptive gastrointestinal issues, like gas and a  
20 frequent need to use the bathroom. *Id.* at 7. Plaintiff also states that the plant-based diet  
21 aggravates two of his preexisting health conditions, including thyroid disease, which requires a  
22 low-fiber diet, and complex regional pain syndrome ("CRPS") caused by a prior hernia  
23 operation, which Plaintiff alleges is made more painful by the plant-based diet. *Id.* at 7–8.

1 Next, in Count II, Plaintiff alleges that his meals are cross contaminated with pork. *Id.* at  
2 9. Although Plaintiff says his meals are served with different utensils, he alleges that cross  
3 contamination with pork still occurs in a few different ways. *Id.* at 9–10. First, Plaintiff alleges  
4 his meals are prepared and served in the same kitchen that prepares pork for MCJ staff. *Id.* at 9.  
5 Second, Plaintiff alleges that “trustees” add pork-based products to inmate meals “without staff  
6 knowledge.” *Id.* Third, Plaintiff alleges his meals are transported on the same cart and served on  
7 the same trays as non-halal meals, allowing for spillage and food residue to contaminate his  
8 meals. *Id.* at 9–10.

9 In Counts III and IV, Plaintiff complains about various conditions and policies at MCJ  
10 that allegedly prevent him from practicing his faith. *Id.* at 10–13. Plaintiff’s allegations in Count  
11 III concern the availability of Qurans, prayer rugs, kufis, and prayer beads at MCJ. *Id.* at 10–12.  
12 He alleges that there are “many Bibles and no Qurans” at MCJ and, though Plaintiff was able to  
13 obtain an English-version of the Quran from a free website, he does not have access to an  
14 Arabic-version of the religious text. *Id.* at 11. Next, Plaintiff alleges that, when he first arrived at  
15 MCJ, inmates were prohibited from having prayer rugs, kufis, and prayer beads, even though  
16 these items were donated by a “3rd party employee/couns[elor] at the Jail.” *Id.* at 12. Plaintiff  
17 states that some of these prohibitions were lifted after he filed this action, but explains he is still  
18 not permitted to have prayer beads. *Id.*

19 Finally, Count IV concerns the availability of religious counselors and services for  
20 Muslim inmates. *Id.* at 13. According to Plaintiff, MCJ employs a full-time chaplain to provide  
21 counselling and services for Christian inmates. *Id.* When Plaintiff asked about similar resources  
22 for his faith, he was allegedly told it was his responsibility to contact Imams and see if they were  
23 willing to provide religious services on a voluntary basis. *Id.* Plaintiff alleges that he sent  
24 requests to local Mosques but has not received any responses. *Id.*

1           B. Discovery and Motions to Compel

2           The Court opened discovery in this matter on October 6, 2023. Dkt. 36. Initially, the  
3 deadline to complete discovery was February 6, 2024, with motions to compel discovery due not  
4 later than January 16, 2024. *Id.*

5           On March 4, 2024, Plaintiff filed a motion to compel discovery and identified several  
6 circumstances that prevented him from obtaining and moving to compel discovery before the  
7 deadlines to do so expired. *See* Dkt. 116. Around the same time, Plaintiff moved to stay this case  
8 and filed several other motions concerning his limited access to legal resources and discovery  
9 materials while he received medical treatment at a different facility. Dkt. 132; *see also* Dkts. 113,  
10 117, 126, 127,

11           On March 28, 2024, the Court stayed this case to provide Plaintiff a meaningful  
12 opportunity to prosecute his claims. Dkt. 136 at 6–9. The Court encouraged the parties to  
13 continue resolving any discovery disputes during the stay and ordered that Plaintiff would be  
14 permitted to file motions to compel discovery after the stay was lifted. *Id.* at 8–9.

15           On September 19, 2024, the Court lifted the stay and required that any motions to compel  
16 discovery be filed not later than October 18, 2024. Dkt. 147. Plaintiff filed his Motions to  
17 Compel Discovery from HDS Defendants (Dkt. 149) and County Defendants (Dkt. 151) on  
18 October 10, 2024. The Motions are fully briefed and ripe for consideration by the Court.

19       **II. Legal Standard**

20           The Court strongly disfavors discovery motions and prefers that the parties resolve  
21 discovery issues on their own. However, if the parties are unable to resolve a discovery dispute,  
22 the requesting party may move for an order to compel. Fed. R. Civ. P. 37(a)(1).

23           As a threshold matter, motions to compel discovery must include a certification that “the  
24 movant has in good faith conferred or attempted to confer with the person or party failing to

1 make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P.  
2 37(a)(1); *see also* Local Rules W.D. Wash, LCR 37(a)(1). “A good faith effort to confer with a  
3 party or person not making a disclosure or discovery requires a face-to-face meeting or a  
4 telephone conference.” LCR 37(a)(1). If the movant fails to include such a certification, the court  
5 may deny the motion without addressing the merits of the discovery dispute. *Id.*

6 A party may obtain discovery regarding any nonprivileged information that is relevant to  
7 any party’s claims and defenses and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).  
8 Information is relevant if it is “reasonably calculated to lead to the discovery of admissible  
9 evidence.” *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 (9th Cir. 2005) (citations  
10 and quotations omitted). The Court has broad discretion to determine relevance. *Id.* To determine  
11 whether a discovery request is proportional to the needs of the case, the Court considers “the  
12 importance of the issues at stake in the action, the amount in controversy, the parties’ relative  
13 access to relevant information, the parties’ resources, the importance of the discovery in  
14 resolving the issues, and whether the burden or expense of the proposed discovery outweighs its  
15 likely benefit.” Fed. R. Civ. P. 26(b)(1).

16 “The party seeking to compel discovery has the burden of establishing that its request  
17 satisfies the relevancy requirements of Rule 26(b)(1).” *Bryant v. Ochoa*, 2009 WL 1390794, at \*1  
18 (S.D. Cal. May 14, 2009). Once the party seeking discovery has established the relevance of their  
19 requests, the burden shifts to the party resisting discovery to show the request should be denied.  
20 *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975); *Bryant*, 2009 WL 1390794, at \*1  
21 (“[T]he party opposing discovery has the burden of showing that the discovery should be  
22 prohibited, and the burden of clarifying, explaining or supporting its objections.”).

23 The Federal Rules of Civil Procedure impose specific requirements for the different  
24 discovery methods. Relevant here are the use of interrogatories, requests for production, and

1 requests for admissions. The use of interrogatories is governed by Rule 33 of the Federal Rules  
2 of Civil Procedure, which provides that a party may serve on any other party interrogatories that  
3 relate to any matter within the scope of discovery defined in Rule 26(b). Fed. R. Civ. P. 33(a)(2).  
4 “The grounds for objecting to an interrogatory must be stated with specificity, [and] [a]ny  
5 ground not stated in a timely objection is waived unless the court, for good cause, excuses the  
6 failure.” Fed. R. Civ. P. 33(b)(4). Any interrogatory not objected to must be answered fully in  
7 writing under oath. Fed. R. Civ. P. 33(b)(3).

8       Requests for production are governed by Rule 34 of the Federal Rules of Civil Procedure,  
9 which provides that a party may request the production of any document within the scope of  
10 Rule 26(b). Fed. R. Civ. P. 34(a). “For each item or category, the response must either state that  
11 inspection and related activities will be permitted as requested or state an objection to the  
12 request, including the reasons.” Fed. R. Civ. P. 34(b)(2)(B). The responding party is responsible  
13 for producing all items in the “responding party’s possession, custody, or control.” Fed. R. Civ.  
14 P. 34(a)(1). Actual possession, custody or control is not required; rather, “[a] party may be  
15 ordered to produce a document in the possession of a non-party entity if that party has a legal  
16 right to obtain the document or has control over the entity who is in possession of the document.”  
17 *Soto v. City of Concord*, 162 F.R.D. 603, 619 (N.D. Cal. 1995) (citation omitted).

18       Requests for admission are governed by Rule 36 of the Federal Rules of Civil Procedure.  
19 Rule 36 allows a party to serve a written request seeking to have another party admit the truth of  
20 any matters relevant to the parties’ claims and defenses, including the truth of “facts, the  
21 application of law to fact, or opinions about either...and the genuineness of any described  
22 documents.” Fed. R. Civ. P. 36(a)(1). “The purpose of Rule 36(a) is to expedite trial by  
23 establishing certain material facts as true and thus narrowing the range of issues for trial.” *Asea,*  
24 *Inc. v. S. Pac. Transp. Co.*, 669 F.2d 1242, 1245 (9th Cir. 1981). A party who receives requests

1 for admissions may answer by admitting the truth of the facts asserted, by specifically denying  
2 the truth of the statements, or by explaining in detail why the party can neither admit nor deny  
3 the truth of the statements. Fed. R. Civ. P. 36(a)(4). If the requesting party is not satisfied with  
4 the responding party's answers or objections, they may move for a determination of the  
5 sufficiency of the response. *Id.* 36(a)(6).

6 Ultimately, the Court's discretion to permit or deny discovery is substantial. *See Hallett*  
7 *v. Morgan*, 296 F.3d 732, 751 (2002) (“[A district court's] decision to deny discovery will not be  
8 disturbed except upon the clearest showing that denial of discovery results in actual and  
9 substantial prejudice to the complaining litigant.”). The Court may deny or limit the production  
10 of otherwise discoverable materials if it determines: “(i) the discovery sought is unreasonably  
11 cumulative or duplicative, or can be obtained from some other source that is more convenient,  
12 less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to  
13 obtain the information by discovery in the action; or (iii) the proposed discovery is outside the  
14 scope permitted by Rule 26(b)(1).” Fed. R. Civ. P. 26(b)(2)(C)(i)–(iii).

### 15 **III. Motion to Compel Discovery from HDS Defendants (Dkt. 149)**

16 Plaintiff moves for an order compelling HDS Defendants to respond to four requests for  
17 production, Dkt. 149 at 6–9, 14–15, and six interrogatories, *id.* at 9–11, 15, 19. HDS Defendants  
18 contend that the Motion should be denied because they recently served Plaintiff with additional  
19 answers to his discovery requests and the parties have not met and conferred about that recent  
20 production. Dkt. 157.

21 In his Motion and in a declaration submitted in support, Plaintiff states that he met and  
22 conferred with Defense Counsel for HDS Defendants on April 23 and June 11, 2024, but was not  
23 able to reach an agreement on the disputed discovery. Dkt. 149 at 1; *see also* Dkt. 148. Plaintiff  
24

1 further states that, after these conferences, he received additional discovery responses from HDS  
2 Defendants. *Id.*

3 In response, HDS Defendants argue Plaintiff's Motion should be denied because the  
4 parties have not met and conferred about all the discovery responses provided to date. Dkt. 157  
5 at 1–2. In particular, HDS Defendants explain that they served Plaintiff with their initial  
6 discovery responses on April 18, 2024, Dkt. 149 at 21–34, which was approximately three weeks  
7 after the Court entered the stay in this matter, Dkt. 136. The parties conferred and, thereafter,  
8 Plaintiff sent clarifications for his initial discovery requests and served HDS Defendants with  
9 additional discovery requests. Dkt. 157 at 2; *see also* Dkt. 149 at 17–19. Defense Counsel for  
10 HDS Defendants again conferred with Plaintiff and explained that supplemental discovery  
11 responses would be provided after the stay in this case was lifted. *Id.*; Dkt. 158 at 1.

12 The Court lifted the stay in early October 2024 and, by the end of that month, HDS  
13 Defendants served Plaintiff with supplemental responses to his first set of discovery requests,  
14 Dkt. 158-1 at 2–13, and responses to Plaintiff's second set of discovery requests, *Id.* at 14–25;  
15 *see also* Dkt. 157 at 2; Dkt. 158 at 2. Included with this second set of discovery responses was  
16 production of Plaintiff's full medical file possessed by HDS Defendants. *See* Dkt. 158 at 2; Dkt.  
17 158-1 at 3. For documents not produced in response to Plaintiff's requests, HDS Defendants  
18 advised Plaintiff that the documents either did not exist or were not within their possession. *Id.* at  
19 3–5. HDS Defendants also provided answers and objections in response to Plaintiff's  
20 interrogatories. *Id.* at 5–16, 20–22.

21 In his reply, Plaintiff agrees that he has not met and conferred with HDS Defendants  
22 about their second set of discovery responses, explaining that those responses were received after  
23 he filed his Motion to Compel. Dkt. 174 at 1–2. Plaintiff urges the Court to consider his Motion  
24 even though the meet and confer requirement has not been satisfied. *Id.* Plaintiff does not argue



that further discovery conferences would be unfruitful, nor does he allege that HDS Defendants have refused to cooperate with him in discovery. *Id.* Instead, Plaintiff merely reasserts arguments from his Motion that do not account for HDS Defendants' second set of discovery responses.<sup>2</sup> *Id.*

Because the parties have not exhausted informal methods of resolving their discovery disputes and because Plaintiff does not show that further discovery conferences with HDS Defendants would be unfruitful, the Court will not address the merits of Plaintiff's Motion to Compel Discovery from HDS Defendants. *See Branch Banking & Tr. Co. v. Pebble Creek Plaza, LLC*, 2013 WL 12176465, at \*1 (D. Nev. July 26, 2013) (judicial intervention is appropriate only when "informal negotiations have reached an impasse on the substantive issue in dispute").

Accordingly, Plaintiff's Motion to Compel Discovery from HDS Defendants (Dkt. 149) is denied for failure to meet and confer as required by Rule 37 of the Federal Rules of Civil Procedure and the local rules of this Court.

#### **IV. Motion to Compel Discovery from County Defendants (Dkt. 151)**

Next, Plaintiff moves to compel further responses to the following discovery requests served upon County Defendants:

Document Title	Request Numbers	Docket Citation
Plaintiff's First Request for Documents within 30 days	1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17	Dkt. 151-1 at 2–3
First Set of Interrogatories for Defendants Randy Newell and Joel Harris	1, 2, 3, 4, 5, 6, 7, 8, 9	Dkt. 151-1 at 4
Extra Interrogatories for Defendant Mason County, 1st Set	1, 3, 4, 7	Dkt. 151-1 at 5

<sup>2</sup> More specifically, Plaintiff maintains that HDS Defendants should be required to produce "all logs, briefs, medical kites," and "all emails regarding the name Mathew Collett." *Id.* at 1–2. But, in their second set of discovery responses, HDS Defendants advised Plaintiff that they did not possess any additional "kites, grievances, logs, notes, and briefings," explaining that those documents were maintained by MCJ. Dkt. 158-1 at 3. With respect to Plaintiff's request to produce all email correspondence that mentions him by name, HDS Defendants advised that, "other than those protected by attorney-client privilege and/or work product," "[a]ll communications regarding Mr. Mathew Collett are verbal and/or noted in his medical records already provided." *Id.* at 4. Plaintiff fails to show the parties discussed and reached an impasse on these matters.

1	Plaintiff's First Request for Admissions	1, 2, 3, 4, 5, 14, 15, 17, 20, 21, 25, 27, 29	Dkt. 151-1 at 6–7
2	Plaintiff's First Set of Interrogatories and Request for Production of Documents	1, 2, 3, 4, 5, 7, 10	Dkt. 151-1 at 8–9
3	Interrogatories for Defendant Mason County	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18	Dkt. 151-1 at 10–11
4	Interrogatories for Defendant, Defendant Hanson, Kevin	1, 2, 3, 4, 5, 6, 7, 10, 15	Dkt. 151-1 at 12–13
5	Interrogatories for Defendant Shane Schronberg	1, 9, 12	Dkt. 151-1 at 14–15
6	Interrogatories for Defendant, Defendant Harris, Joel	1, 2, 5	Dkt. 151-1 at 16
7			

8 To support his Motion, Plaintiff first argues that the requirement to meet and confer with  
9 County Defendants about the disputed discovery has been satisfied and the parties have reached  
10 an impasse. Dkt. 151 at 1–2; *see also* Dkt. 152. Plaintiff next argues that County Defendants  
11 waived the ability to object to his discovery requests by failing to provide timely responses. Dkt.  
12 151 at 5–6. Finally, Plaintiff argues that each disputed discovery request is relevant to his claims  
13 and contends that County Defendants' answers and objections were unreasonable. Dkt. 151 at 6–  
14 25. County Defendants oppose Plaintiff's Motion, arguing that their objections were timely and  
15 proper. Dkt. 159. They also submit declarations in support of their arguments and include some  
16 of their discovery responses as exhibits to those declarations. Dkts. 160, 161.

17 A. Plaintiff and County Defendants have reached an impasse on discovery.

18 First, in a declaration submitted in support of his Motion, Plaintiff explains that he met and  
19 conferred with Defense Counsel for County Defendants but was unable to resolve the discovery  
20 disputes. Dkt. 152. Attorney Michael Throgmorton confirmed, via declaration, that he attended  
21 two telephonic discovery conferences with Plaintiff on February 23 and April 15, 2024. Dkts.  
22 161, 162. Attorney Throgmorton states that both conferences occurred after County Defendants  
23 produced all their discovery responses in January 2024. Dkt. 162 at 2. In their briefing and  
24 submissions about these telephonic discovery conferences, both sides indicate that the opposite

1 party may not have put forth a sincere effort to resolve their discovery disputes as required by  
2 Rule 37 of the Federal Rules of Civil Procedure and this Court’s corresponding local rule. *See*  
3 Dkt. 161 at 1–2 (stating Plaintiff was unprepared for February discovery conference); Dkt. 162 at  
4 2 (stating Plaintiff “became angry” and “hung up” after discussing the objections to only two of  
5 his discovery requests at April discovery conference); Dkt. 175 at 1, 3 (stating “counsel for the  
6 County refused to confer” and that “Mr. Throgmorton got emotional” at both discovery  
7 conferences). Based on the parties’ submissions, the Court finds that the requirement to meet and  
8 confer **in good faith** has not been satisfied.

9 Although the Court finds Plaintiff and County Defendants have not fully satisfied the  
10 requirement to meet and confer, it is apparent from the record that they have reached an impasse  
11 on discovery and that it is unlikely further discovery conferences between them would be  
12 productive. *See Branch Banking & Tr. Co.*, 2013 WL 12176465, at \*1. As it is unlikely the  
13 parties will be able to resolve their discovery disputes without judicial intervention, the Court  
14 will consider the merits of Plaintiff’s Motion to Compel Discovery from County Defendants.

15 B. County Defendants have not waived objections to Plaintiff’s discovery requests.

16 Before turning to the merits of Plaintiff’s Motion, the Court first addresses his argument  
17 that County Defendants waived their ability to object by failing to respond to his discovery  
18 requests within thirty days. Dkt. 151 at 4–6. In support of this argument, Plaintiff explains that he  
19 first served County Defendants with his discovery requests in October 2023, but he did not  
20 receive any correspondence from Defense Counsel for more than sixty days. *Id.*

21 County Defendants contend that Plaintiff’s representations about the untimeliness of their  
22 responses to his discovery requests lack important context that excuses their delayed responses.  
23 Dkt. 159 at 4. They explain that, at they time they received Plaintiff’s discovery requests in  
24 October 2023, County Defendants immediately moved to stay discovery. *Id.* at 1 (citing Dkt. 40,

1 filed October 13, 2023). However, on November 6, 2023, the Court granted Plaintiff leave to file  
2 an amended complaint and denied County Defendants’ motion to stay discovery as moot. *Id.*  
3 (citing Dkt. 59). Three days after their motion to stay was denied, Defense Counsel for County  
4 Defendants represent that they mailed Plaintiff a letter saying that his discovery requests were  
5 unreadable and requesting that Plaintiff resend his requests in a more legible format. *See* Dkt.  
6 160 at 4 (discovery letter to Plaintiff dated November 9, 2023); *id.* at 1 (declaration stating  
7 discovery letter was sent on November 9, 2023).

8 County Defendants moved to stay discovery for a second time on December 14, 2023.  
9 Dkt. 80. County Defendants state that they received a second set of discovery requests from  
10 Plaintiff while their second motion to stay discovery was pending and note that these requests  
11 were also “largely illegible.” Dkt. 159 at 2. On January 9, 2024, the Court denied County  
12 Defendants’ second motion to stay discovery. Dkt. 88. Defense Counsel then transcribed  
13 Plaintiff’s handwritten discovery requests and served Plaintiff with the County Defendants’  
14 answers and objections on January 17, 2024. *See* Dkt. 160 at 6–31.

15 Based on the foregoing, the Court finds that County Defendants’ responses to Plaintiff’s  
16 discovery requests were timely. County Defendants were not required to respond to Plaintiff’s  
17 discovery requests while their motions to stay discovery were pending or while they awaited  
18 Plaintiff’s response to their letters seeking clarification on his discovery requests. As their  
19 discovery responses were timely, County Defendants did not waive the ability to object.

20 C. Plaintiff does not carry his initial burden for many of his discovery requests.

21 The Court’s review of the merits begins with an examination of whether Plaintiff has  
22 provided sufficient information about the discovery requests and responses that are the subject of  
23 his Motion. *See Ellis v. Cambra*, No. 02-CV-5646-AWI-SMS-PC, 2008 WL 860523 at \*4 (E.D.  
24 Cal. Mar. 27, 2008) (“[The moving party] must inform the court which discovery requests are the

1 subject of his motion to compel, and, for each disputed response, inform the court why the  
2 information sought is relevant and why [the opposing party's] objections are not justified.”).

3 Plaintiff first seeks to compel answers to thirteen requests for admissions. Dkt. 151 at 16–  
4 17. In his Motion, Plaintiff outlines his requests for admissions and explains why he believes  
5 each request is relevant to his claims. *Id.* Plaintiff does not, however, provided any information  
6 about the responses he received from County Defendants or explain why those responses did not  
7 comply with Rule 36 of the Federal Rules of Civil Procedure. As such, Plaintiff has not provided  
8 sufficient information for the Court to assess County Defendants’ responses to Plaintiff’s  
9 requests for admission. For this reason, Plaintiff’s request to compel additional responses to his  
10 requests for admission is denied.

11 Next, Plaintiff seeks to compel responses to sixty-nine interrogatories and requests for  
12 production. Dkt. 151 at 7–15, 17–25. For each discovery request falling in these categories,  
13 Plaintiff explains why he believes the information and documents requested are relevant to his  
14 claims. *Id.* Plaintiff also generally explains why he believes County Defendants’ objections are  
15 insufficient and why the objections should be overruled. *Id.* The Court finds Plaintiff has  
16 provided sufficient information to enable further review of his interrogatories and requests for  
17 production.

18 Having reviewed all the interrogatories and requests for production identified in  
19 Plaintiff’s Motion, the Court finds many are irrelevant, unspecific, and frivolous. *See Ivins v.*  
20 *Corr. Corp. of Am.*, 291 F.R.D. 517, 520 (D. Mont. 2013) (courts have an “independent  
21 obligation” to review discovery requests for specificity and frivolousness before granting a  
22 motion to compel); *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004) (“District courts  
23 need not condone the use of discovery to engage in fishing expeditions.”) (cleaned up). Of these  
24 sixty-nine discovery requests, about half seek information and documents that run far afield from

the issues presented in this case. *See, e.g.*, Dkt. 151 at 7 (requesting production of “any and all grievances, complaints, or other documents...concerning religion, religious diets, or religious materials”); *id.* at 14 (interrogatories asking Defendants Newell and Harris what city they grew up in and “what is the percentage of Muslims in that city”). Because Plaintiff casts such a wide net with these discovery requests, it is unsurprising that he considers each request to be relevant to his claims. But the mere possibility that a discovery request could produce admissible evidence is not enough to satisfy relevance. Instead, Plaintiff’s discovery requests must be *reasonably calculated* to accomplish this task. *See Surfvivor Media, Inc.*, 406 F.3d at 635.

Upon review, the Court concludes the following discovery requests are not reasonably calculated to lead to the discovery of admissible evidence:

Document Title	Request Numbers	Docket Citation
Plaintiff’s First Request for Documents within 30 days	1, 4, 6, 8, 10, 11, 12, 13, 16, 17	Dkt. 151-1 at 2–3
First Set of Interrogatories for Defendants Randy Newell and Joel Harris	1, 2, 3, 4, 5, 6	Dkt. 151-1 at 4
Extra Interrogatories for Defendant Mason County, 1st Set	1, 3	Dkt. 151-1 at 5
Interrogatories for Defendant Mason County	1, 2, 3, 5, 6, 7, 10, 12, 14, 15, 16, 18	Dkt. 151-1 at 10–11
Interrogatories for Defendant, Defendant Hanson, Kevin	1, 2, 3, 5, 7, 15	Dkt. 151-1 at 12–13
Interrogatories for Defendant, Defendant Harris, Joel	1	Dkt. 151-1 at 16

Therefore, Plaintiff’s requests to compel interrogatory responses and production of documents for the above listed discovery requests are denied.

D. County Defendants did not respond to discovery requests to fullest extent possible.

The Court next examines County Defendants’ answers and objections to Plaintiff’s remaining discovery requests. To start, the Court finds County Defendants reasonably objected to several of Plaintiff’s discovery requests. In particular, County Defendants appropriately objected to some of Plaintiff’s discovery requests, including those listed above, as irrelevant,

1 overbroad, and vague. *See, e.g.*, Dkt. 160 at 22 (objecting and declining to answer interrogatory  
2 asking for a list of “titles of every Christian book in the [MCJ] library, every Islamic book, and  
3 every book on any other faith”). County Defendants also raised reasonable objections on privacy  
4 and security grounds, noting that a number of Plaintiff’s discovery requests seek information  
5 about other inmates and personal information of MCJ staff and contractors. *See, e.g., id.*  
6 (objecting to interrogatories asking about grievances and kites filed by other inmates) and *id.* at 8  
7 (objecting to an interrogatory requesting the full names and mailing addresses for “every contact  
8 employee” or “3rd party contractor” at MCJ).

9 Notwithstanding these reasonable objections, County Defendants’ discovery responses  
10 lack responsive information. “[A] responding party is not generally required to conduct extensive  
11 research in order to answer an interrogatory, but a reasonable effort to respond must be made.”  
12 *See Williams v. Adams*, No. 1:05-CV-00124-AWI-SMS-PC, 2009 WL 1220311, at \*1 (E.D. Cal.  
13 May 4, 2009). In most instances, County Defendants do not fulfill their “obligation to act in good  
14 faith and to provide responses to discovery requests to the fullest extent possible, even if they  
15 object to portions of a discovery request.” *Cranford v. Nevada*, No. 3:21-CV-00386-RCJ-CLB,  
16 2023 WL 3505467, at \*2 (D. Nev. May 17, 2023). The discovery responses provided by County  
17 Defendants are not indicative of a party making a reasonable, good faith effort to respond. In  
18 fact, for all but five of Plaintiff’s discovery requests, County Defendants provide *no* responsive  
19 information or documents. Dkt. 160 at 6–31.

20 To illustrate further, in an interrogatory for Mason County, Plaintiff asked, “[w]ho  
21 dictates what food is served to inmates at the Mason County Jail, please provide their full names  
22 and addresses, so that they can be contacted?” Dkt. 160 at 23. County Defendants responded  
23 with the following string of objections: “Irrelevant. Overly broad and unduly burdensome. Not  
24 reasonably calculated to lead to the discovery of relevant, admissible evidence. Vague.

1 Compound. Calls for a legal conclusion. Seeks personal and personnel information which the  
2 plaintiff, as an active inmate, is prohibited from receiving.” *Id.* Contrary to County Defendants’  
3 objections, however, the Court finds this interrogatory is directly relevant to Plaintiff’s religious  
4 meal claims, it is not vague, overbroad, or burdensome, and it does not call for a legal  
5 conclusion. Although the interrogatory does seek personal information of MCJ staff and/or  
6 contractors, which is a valid security concern, it was unreasonable for County Defendants to  
7 disregard the entire interrogatory on this ground.

8 County Defendants’ objection to this interrogatory on relevancy grounds is concerning.  
9 County Defendants have previously moved for summary judgment based on arguments about  
10 who controls inmate diets at MCJ. *See* Dkt. 105 at 12 (“To the extent [Plaintiff] complains about  
11 what is and is not on the halal diet he was granted, his complaint is with Defendant Summit  
12 Foods as the county’s independently-contracted food service provider at the jail.”). It was  
13 unreasonable for County Defendants to refuse to provide any information about who makes  
14 decisions for the very meals Plaintiff challenges in this action. *See* Dkt. 60 at 6–10.

15 There are many other examples of County Defendants unreasonably objecting and  
16 refusing to answer relevant and nonburdensome aspects of Plaintiff’s interrogatories. *See, e.g.,*  
17 Dkt. 160 at 14 (providing no responsive information to interrogatory asking, among other things,  
18 how many Qurans are in stock at the MCJ library); *id.* at 15, 24, 29 (providing no responsive  
19 information to interrogatories concerning MCJ policies and policy changes regarding kufis,  
20 prayer rugs, and prayer beads); *id.* at 18, 22 (providing no responsive information to inquiries  
21 about basic duties and employment status of Defendant Harris); *id.* at 23 (providing no  
22 responsive information to interrogatory about whether MCJ receives federal funding, a necessary  
23 element of Plaintiff’s RLUIPA claim); *id.* at 30 (limiting answer to interrogatory asking whether  
24



1 pork is “served” and “prepared” at MCJ to whether pork is served to MCJ inmates on halal  
2 diets).

3 County Defendants treat Plaintiff’s requests for production similarly. For example,  
4 Plaintiff requests production of the following: “[t]he plaintiff’s complete medical records from  
5 October 23rd, 2020, to present including but not limited to Medical Kites, responses, notes,  
6 emails, medications, etc. until the date of your response.” Dkt. 151-1 at 2–3.

7 County Defendants first object to this request for production as “overly broad and unduly  
8 burdensome.” Dkt 160 at 7. As the party opposing discovery, County Defendants were required  
9 to clarify, explain, and support these objections. *Bryant*, 2009 WL 1390794, at \*1. However, in  
10 responding to Plaintiff’s Motion, County Defendants discuss their objections in six general  
11 categories and provide few arguments in support of any specific objections made to Plaintiff’s  
12 discovery requests. *See* Dkt. 159 at 6–8. Although it was their burden to do so, County  
13 Defendants provide no further explanation, clarification, or support for why they objected to  
14 Plaintiff’s request for medical documents as overbroad. *Id.* County Defendants also fail to  
15 demonstrate that it would be unduly burdensome to produce any such documents within their  
16 possession. *Id.*; *see* Fed. R. Civ. P. 34(a)(1) (requiring production of discoverable materials  
17 within a party’s possession).

18 County Defendants also objected to Plaintiff’s request to produce medical documents as  
19 irrelevant. Dkt. 160 at 7. In their response to Plaintiff’s Motion, County Defendants maintain that  
20 Plaintiff’s medical records are not relevant to his claims. Dkt. 159 at 7. However, the relevancy  
21 of Plaintiff’s medical records is illustrated by County Defendants’ own recitation of the legal  
22 rights at issue in this suit: “Like RLUIPA, the First Amendment’s Free Exercise Clause gives  
23 inmates a ‘right to be provided with food sufficient to sustain them **in good health** that satisfies  
24 the dietary laws of their religion.’” Dkt. 165 at 19 (quoting *Ward v. Walsh*, 1 F.3d 873, 877 (9th

1 Cir. 1993)) (emphasis added); *see also id.* at 16 (acknowledging that Plaintiff supports his  
2 religious meal claims with allegations that the halal meals offered by MCJ aggravated his pre-  
3 existing health conditions).

4 In summary, the Court finds that County Defendants raised reasonable objections to some  
5 of Plaintiff's discovery requests. The Court further finds that, notwithstanding their reasonable  
6 objections, County Defendants failed to respond to many of Plaintiff's requests for production  
7 and interrogatories to the fullest extent possible. While the Court will not require County  
8 Defendants to respond to discovery requests that are duplicative or that seek information  
9 available through less burdensome means, Fed. R. Civ. P. 26(b)(2)(C)(i) and (ii), County  
10 Defendants must provide further responses to all other discovery requests for which no  
11 reasonable objections were raised.

12 Accordingly, the Court directs County Defendants to conduct a reasonable investigation  
13 and produce all discovery within their possession as detailed in the conclusion of this Order.

#### 14 **V. Conclusion**

15 Based on the foregoing, Plaintiff's Motion to Compel Discovery from HDS Defendants  
16 (Dkt. 149) is denied for failure to meet and confer. Plaintiff's Motion to Compel Discovery from  
17 County Defendants (Dkt. 151) is granted in part and denied in part. County Defendants must  
18 conduct a reasonable investigation and produce the following discovery within their possession  
19 and **limited to** the time when Plaintiff was housed at MCJ from October 2020 through February  
20 2024:

- 21 1. Plaintiff's First Request for Documents within 30 days (Dkt. 151-1 at 2–3):
  - 22 a. **Request No. 2:** Every grievance, kite, medical kite, inmate request form,  
23 e-message that the plaintiff has-ever sent, since Oct. 23rd, 2020, through  
24 the date of your response.  
**Required Production:** All grievances, kites, medical kites, and inmate  
request forms submitted by Plaintiff.

b. **Request No. 3:** Any and all policies, directives, or instructions to staff regarding prayer rugs, kufis, headgear, and halal diets, anything concerning the Islamic faith.

**Required Production:** All policies and written directives regarding prayer rugs, kufis, and halal diets for MCJ inmates.

c. **Request No. 5:** The plaintiff's complete medical records from October 23rd, 2020, to present including but not limited to Medical Kites, responses, notes, emails, medications, etc. until the date of your response.

**Required Production:** All records of Plaintiff's medical care, including notes and nonprivileged correspondence, and written responses to his requests for medical treatment.

d. **Request No. 6:** Any and all documents created by any Mason County Employee, or 3rd party contractor, in response to any grievance filed by the plaintiff since Oct. 23, 2020, until the date of your response including but not limited to briefing logs, control room logs, or walk through logs.

**Required Production:** All written responses and resolutions for grievances submitted by Plaintiff.

e. **Request No. 9:** All staff and inmate diet menus including but not limited to halal diets, kosher diets, catholic diets, normal diets, Christmas meals, etc. from 2020 until the date of your response.

**Required Production:** All menus for inmate meal services, excluding holiday meals.

2. First Set of Interrogatories for Defendants Randy Newell and Joel Harris (Dkt. 151-1 at 4)

a. **Request No. 7:** Defendant Newell how come the jail does not purchase prayer rugs, kufis, and hijabs?

b. **Request No. 8:** Defendant Harris please answer #7.

**Required Information/Response:** Did Mason County purchase prayer rugs, kufis, and hijabs for MCJ inmates? Explain.

3. Extra Interrogatories for Defendant Mason County, 1st Set (Dkt. 151-1 at 5):

a. **Request No. 7:** Why does the county not hire a paid Muslim provider?

**Required Information/Response:** Did Mason County pay for Islamic religious services? Explain.

4. Plaintiff's First Set of Interrogatories for All Defendants and Requests for Production of Documents (Dkt. 151-1 at 8-9).

a. **Request No. 1:** State the duties of Defendant Hanson if those duties are set forth in any job description provide those documents.

b. **Request No. 2:** State the duties of Defendant Schronberg if those duties are set forth in any job description, or any other document produce these documents including but not limited to any training in Islam.

c. **Request No. 3:** State the duties of Defendant Newell if those duties are set forth in any job description, or any other document produce these documents including but not limited to any training in Islam.

- d. **Request No. 4:** State the duties of Defendant Harris if those duties are set forth in any job description, or any other document produce these documents including but not limited to any training in Islam.
- e. **Request No. 5:** State the duties of Defendant Blush if those duties are set forth in any job description, or any other document produce these documents including but not limited to any training on Islam.
- f. **Request No. 7:** State the duties of John Bell if those duties are set forth in any job description, or any other document produce these documents including but not limited to Islamic diets training in Islamic diets.  
**Required Information/Response and Production:** State the duties of each identified Defendant in Requests No. 1–5, 7. If their duties are documented in writing, provide those documents.
- g. **Request No 10:** State the reason the prayer rugs, kufis, and prayer beads were denied when Brian Parkhurst donated them to the Plaintiff.  
**Required Information/Response:** Did MCJ receive and/or reject donations of prayer rugs, kufi, and prayer beads? Explain.

5. Interrogatories for Defendant Mason County (Dkt. 151-1 at 10–11):

- a. **Request No. 8:** Who dictates what food is served to inmates at the Mason County Jail, please provide their full names and addresses, so that they can be contacted?  
**Required Information/Response:** Who made decisions about what food was served to inmates at MCJ?
- b. **Request No. 11:** Have you received Federal Funding, if so: Please provide a complete budget breakdown of all federal funding spent at the Mason County Jail for the last 5 years.  
**Required Information/Response:** Have you received federal funding for use at MCJ?
- c. **Request No. 13:** When was the Policy Changed allowing inmates to be able to have prayer rugs and Kufis? Are you aware that case law allows inmates to be able to have prayer beads, what is the policy for prayer beads?  
**Required Information/Response:** What were MCJ’s policies and practice regarding inmates’ use of prayer rugs, kufis, and prayer beads? Did MCJ change its policies or practices regarding inmates’ use of prayer rugs, kufis, or prayer beads? If so, explain when and why.
- d. **Request No. 17:** Does the medical dept. have control over diets for inmates with medical problems? Do food services have control over diets for inmates with medical problems?  
**Required Information/Response:** What authority did the medical department and food services have over food served to inmates with medical problems?

6. Interrogatories for Defendant, Defendant Hanson, Kevin (Dkt. 151-1 at 12–13):

- a. **Request No. 4:** Was a prayer rug, kufi, and prayer beads donated at the Mason County Jail if so by who were these items rejected and why?

**Required Information/Response:** Are you aware of any rejected donations of prayer rugs, kufi, and prayer beads to MCJ? If so, who rejected the donations and why?

- b. **Request No. 6:** How many Qurans does the Jail have in the library and how many Christian books does the Jail have, please list the titles?

**Required Information/Response:** Were Qurans available at the MCJ library? If so, how many?

7. Interrogatories for Defendant Shane Schronberg (Dkt. 151-1 at 14–15):

- a. **Request No. 9:** Is there any way for a Muslim inmate to purchase a prayer rug, kufi, or prayer beads from their inmate account?

**Required Information/Response:** Could an inmate purchase a prayer rug, kufi, or prayer bead from their inmate account?

- b. **Request No. 12:** Is pork served to anyone or prepared at the Mason County Jail?

**Required Information/Response:** Was pork served to any inmates or prepared in the same facilities used to prepare inmate meals?

8. Interrogatories for Defendant Harris, Joel (Dkt. 151-1 at 16)

- a. **Request No. 5:** Have you ever provided services in any fashion for the jail? If so, please list the hour, when, and where.

**Required Information/Response:** What services did you provide to MCJ? Identify if you received compensation for any of those services.

County Defendants' responses to the discovery requests outlined below are due not later than December 18, 2024.

Dated this 4th day of December, 2024.



David W. Christel  
United States Magistrate Judge